IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 23516 of 2007(Y)

PETITIONER:

FR.PAUL ARANJANIYIL, REPRESENTING THE
KERALA FRANSALIAN EDUCATIONAL SOCIETY, ETTUMANOOR,
PRESENT MANAGER, VINAYA KUMAR ASRAM/ESTATE,
AMARAMBALAM VILLAGE, NILAMBUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN

RESPONDENTS:

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1. TAHSILDAR, NILAMBUR TALUK, TALUK OFFICE,
NILAMBUR P.O., MALAPPURAM DISTRICT.

2. DISTRICT COLLECTOR, MALAPPURAM DISTRICT,
MALAPPURAM P.O.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 23516 OF 2007 - Y

Dated this the 1st day of August, 2007

J U D G M E N T

The petitioner is challenging Ext.P19 proceedings by which he has been directed to show cause why he should not be evicted from the properties mentioned therein. Although the same is only a show cause notice, the petitioner apprehends that without giving him an opportunity to establish his case, the respondents may take proceedings to evict the petitioner. The petitioner also points out that in Ext.P18 order in appeal, the matter was remanded to the first respondent for reconsideration of the matter.

2. After having heard the learned counsel for the petitioner and the learned Government Pleader, I dispose of this writ petition with the following directions:-

The petitioner shall file a reply to Ext.P19 within two weeks from today. Thereafter, the first respondent shall afford an opportunity of being heard to the petitioner, which shall include an opportunity to

adduce evidence also. The first respondent shall, after taking evidence, pass a speaking order dealing with the contentions of the petitioner and the evidence to be adduced by him. It would be open to the petitioner to produce a copy of the writ petition itself which contains all the documents relied upon by him as evidence in the case. Till after seven days of communication of the order passed as above to the petitioner, the petitioner shall not be evicted from the property in question.

sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007